

1 Alan R. Plutzik (State Bar No. 077785)  
2 Kathryn A. Schofield (State Bar No. 202939)  
3 BRAMSON, PLUTZIK, MAHLER & BIRKHAEUSER, LLP  
4 2125 Oak Grove Road, Suite 120  
Walnut Creek, California 94598  
Telephone: (925) 945-0200  
Facsimile: (925) 945-8792

5 Nadeem Faruqi  
6 FARUQI & FARUQI, LLP  
320 East 39<sup>th</sup> Street  
7 New York, NY 10016  
Telephone: 212/983-9330  
Facsimile: 212/983-9331

8 Attorneys for Plaintiffs Knee and Gallusco

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 STEPHEN KNEE, Derivatively On Behalf of  
14 BROCADE COMMUNICATION SYSTEMS,  
15 INC.,

Plaintiff,

16 vs.  
17 GREGORY L. REYES, et al.

Defendants,

18 and BROCADE COMMUNICATION  
19 SYSTEMS, INC.,

20 Nominal Defendant.

21 Civil Case No.: C05-02233 CRB  
22  
23  
24  
25  
26  
27  
28

DERIVATIVE ACTION

**STIPULATION AND [PROPOSED]  
RESCHEDULE**

1 ROBERT GALLUSCIO, Derivatively On Behalf  
2 of BROCADE COMMUNICATION  
3 SYSTEMS, INC.,

Civil Action No.: C05-02235 CRB

4 Plaintiff,

5 vs.

6 GREGORY L. REYES, et al.

7 Defendants,

8 and BROCADE COMMUNICATION  
9 SYSTEMS, INC.,

10 Nominal Defendant.

11 WILLIAM PRATT, Derivatively On Behalf of  
12 BROCADE COMMUNICATION SYSTEMS,  
13 INC.,

Civil Action No.: C05-02372 CRB

14 Plaintiff,

15 vs.

16 GREGORY L. REYES, et al.

17 Defendants,

18 and BROCADE COMMUNICATION  
19 SYSTEMS, INC.,

20 Nominal Defendant.

21 ANJANI K. JHA, Derivatively On Behalf of  
22 BROCADE COMMUNICATION SYSTEMS,  
23 INC.,

Civil Action No.: C05-02652 CRB

24 Plaintiff,

25 vs.

26 GREGORY L. REYES, et al.

27 Defendants,

28 and BROCADE COMMUNICATION  
29 SYSTEMS, INC.,

30 Nominal Defendant.

31 STIPULATION AND [PROPOSED] RESCHEDULE  
32 CASE NO. C05-02233 CRB  
33 45240

## STIPULATION

WHEREAS this Court has ordered the following shareholder derivative cases be related:

<u>Case Name</u>	<u>Case No.</u>	<u>Date Action Filed</u>
<i>Knee v. Reyes, et al.</i>	C05-02233 CRB	June 1, 2005
<i>Galluscio v. Reyes, et al.</i>	C05-02235 CRB	June 2, 2005
<i>Pratt v. Reyes, et al.</i>	C05-02372 CRB	June 10, 2005
<i>Jha v. Reyes, et al.</i>	C05-2652 CRB	June 28, 2005

WHEREAS, on August 19, 2005 the Court entered a stipulated Order consolidated these actions;

WHEREAS, the parties believe the consolidated actions should be governed by one uniform schedule;

WHEREAS, the parties desire additional time to consider potential ADR options and early settlement;

IT IS HEREBY STIPULATED AND AGREED by and between undersigned counsel that,  
subject to the approval of this Court:

1. No later than October 28, 2005 the parties shall meet and confer to discuss options for ADR and file either a joint ADR certification with stipulation to an ADR process or a notice of need for an ADR telephone conference.

2. No later than October 28, 2005 the parties shall meet and confer regarding initial disclosures, early settlement, ADR process selection and discovery plan.

IT IS HEREBY STIPULATED AND AGREED TO:

Dated: September 12, 2005 FARUQI & FARUQI, LLOP

/s/Nadeem Faruqi

Nadeem Faruqi  
Attorneys for Plaintiffs Knee and Galluscio

**STIPULATION AND [PROPOSED] RESCHEDULE  
CASE NO. C05-02233 CRB**

1 Dated: September 12, 2005

FEDERMAN & SHERWOOD

3 /s/Todd Ver Weire

4 Todd Ver Weire  
Attorneys for Plaintiffs Pratt and Jha

5 Dated: September 12, 2005

6 BRAMSON, PLUTZIK, MAHLER &  
7 BIRKHAEUSER, LLP

8 /s/Alan Plutzik

9 Alan Plutzik  
Attorneys for Plaintiffs Knee and Galluscio

10 Dated: September 12, 2005

11 MARY ALEXANDER & ASSOCIATES

12 /s/Mary Alexander

13 Mary Alexander  
Attorney for Plaintiffs Pratt and Jha

14 Dated: September 12, 2005

15 PROSKAUER ROSE LLP

16 /s/Robert Horn

17 Robert Horn  
Attorneys for Defendant Gregory L. Reyes

18 Dated: September 12, 2005

19 WILSON SONSINI GOODRICH & ROSATI, P.C.

20 /s/David McCarthy

21 David McCarthy  
Attorneys for all other Defendants

22  
23  
24  
25  
26  
27  
28 STIPULATION AND [PROPOSED] RESCHEDULE  
CASE NO. C05-02233 CRB  
45240

1

2 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

3

4 I, Alan Plutzik, attest that concurrence in the filing of this document has been obtained  
5 from each of the other signatories. I declare under penalty of perjury under the laws of the United  
6 States of America that the foregoing is true and correct. Executed this 12 day of September 2005  
7 at Walnut Creek, California.

8

9 /s/Alan Plutzik

10 Alan Plutzik

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

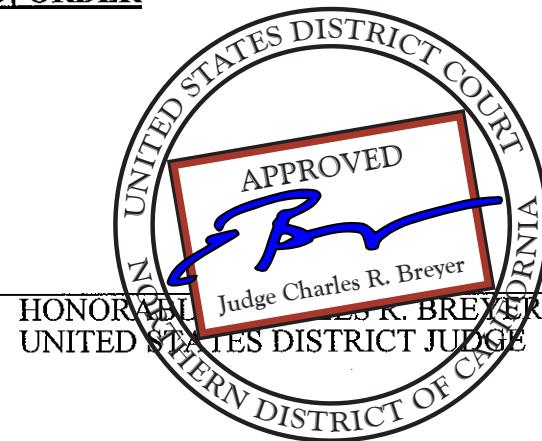
27

28

1 **PROPOSED ORDER**  
2

3 IT IS SO ORDERED.  
4

5 This 14 day of September, 2005.  
6



7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STIPULATION AND [PROPOSED] RESCHEDULE  
CASE NO. C05-02233 CRB  
45240